

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

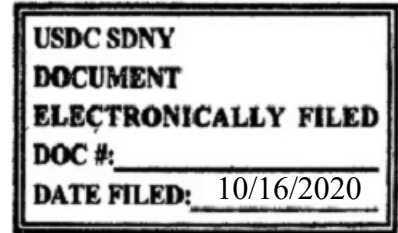
NELSON ROSARIO,

Plaintiff,

-against-

EL NUEVO AMANECER REST. CORP.
AND GERMANIA BELLO,

Defendants.



19-CV-6789 (AJN) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

On May 19, 2020, the Court held an initial case management conference, attended by plaintiff's counsel and *pro se* defendant Germania Bello. Because the parties expressed an interest in early mediation, the Court did not set a discovery schedule (aside from the exchange of initial disclosures by June 2, 2020). (Dkt. No. 29.) Instead, the Court referred the case to the Court-annexed Mediation Program pursuant to Local Civil Rule 89.3(e)(3), with mediation to take place no later than July 31, 2020. (Dkt. No. 28.) Thereafter, in light of plaintiff's *pro se* status and need for a translator, the Court issued a Supplemental Mediation Referral on May 27, 2020, directing the Clerk of Court to locate *pro bono* counsel (who speaks English and Spanish) for defendant Bello, and deferring the time to assign a mediator under Local Rule 83.9 and the Court's Mediation Program Procedures until such counsel filed a Notice of Limited Appearance of Pro Bono Counsel. (Dkt. No. 30.) The Court also extended the deadline to complete mediation to August 31, 2020. (*Id.*)

Plaintiff's counsel filed an Affidavit of Service on June 23, 2020 (Dkt. No. 31), affirming that he served defendant Bello by emailing Carmen Garcia (her daughter, who acted as translator at the initial case management conference) with the Supplemental Mediation Order. Since then, no activity has taken place in this matter. The Court has been informed that the New York Legal Assistance Group attempted to reach Ms. Bello to provide her *pro bono* counsel for mediation, but that, although she was initially responsive to text messages, she stopped responding before *pro bono* counsel could be appointed, and has not responded to emails regarding the same.

Accordingly, the Mediation Referral Order (Dkt. No. 28) and the Supplemental Mediation Referral Order (Dkt. No. 30) are hereby WITHDRAWN.

Judge Moses will conduct a status conference on **November 2, 2020 at 11:00 a.m.** At that time, the parties shall dial **(888) 557-8511** and enter the access code **7746387**. **Defendant Bello is warned that failure to attend the status conference could result in significant sanctions, including the entry of a default judgment against her and in favor of the plaintiff.**

Counsel for plaintiff, Abdul K. Hassan, is directed to serve a copy of this Order on defendant Bello by email, care of Carmen Garcia, at cgarcia@gordonschool.com, and to file proof of such service on the docket. Further, attorney Hassan should contact Ms. Bello by the

best available means (including the means he used to contact her in connection with the initial case management conference) to confirm that she is aware of and will attend the status conference, and to determine if she will be able to arrange for a family member or other person to serve as a translator at that conference. If attorney Hassan is unable to confirm that a translator will attend on behalf of Ms. Bello, he is directed to use reasonable efforts to arrange for a person fluent in English and Spanish to attend the status conference and assist with translation.

Dated: New York, New York
October 16, 2020

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Barbara Moses', is written over a horizontal line.

BARBARA MOSES
United States Magistrate Judge